



13281 U.S. PTO

PTO/SB/05 (08-03)

Approved for use through 07/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office. U.S. DEPARTMENT OF COMMERCE

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**UTILITY
PATENT APPLICATION
TRANSMITTAL**

(Only for new nonprovisional applications under 37 C.F.R. 1.53(b))

Attorney Docket No. 16991.017

First Inventor Masaaki GOTO

Title Novel Proteins and Methods for Producing the Proteins

Express Mail Label No.

22388 U.S. PTO
10/785109**APPLICATION ELEMENTS**

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO:Mail Stop Patent Application
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

1. ☐ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 91]
(preferred arrangement set forth below)
- Descriptive title of the invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 11]
5. Oath or Declaration [Total Pages 6]
- a. ☐ Newly executed (original or copy)
 - b. ☒ Copy from a prior application (37 CFR 1.63(d))
(for continuation/divisional with Box 18 completed)
 - i. ☐ **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
- a. ☒ Computer Readable Form (CRF)
 - b. Specification Sequence Listing on:
 - i. ☐ CD-ROM or CD-R (2 copies); or
 - ii. ☒ paper
 - c. ☒ Statement verifying identity of above copies

ACCOMPANYING APPLICATIONS PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 C.F.R. §3.73(b) Statement ☒ Appointment of Associate Attorneys
(when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☒ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)
16. ☐ Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☒ Other: See attached transmittal letter for additional items

18. If a **CONTINUING APPLICATION**, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP)

of prior application No: 10 / 232,858

Prior application information:

Examiner J. Ulm

Group / Art Unit: 1646

For **CONTINUATION** or **DIVISIONAL APPS** only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS☒ Customer Number or Bar Code Label

28381

or ☐ Correspondence address below

Name

Address

City

State

Zip Code

Country

Telephone

Fax

Name (Print/Type)	Joel M. Freed/David R. Marsh/Dawn Gardner Krosnick	Registration No. (Attorney/Agent)	25,101/41,408/44,118
Signature			Date February 25, 2004

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

February 25, 2004

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Re: U.S. Continuation Application based on U.S. Application
No. 10/232,858 filed September 3, 2002
Appln. No.: To Be Assigned
Filed: Herewith
For: Novel Proteins and Methods for Producing the Proteins
Applicants: GOTO *et al.*
Atty Docket: 16991.017

Sir:

The following documents are forwarded herewith for appropriate action by the U.S.
Patent and Trademark Office (PTO):

1. Utility Patent Application Transmittal (PTO/SB/05);
2. U.S. Continuation Application entitled:
Novel Proteins and Methods for Producing the Proteins

and naming as inventors:

**Masaaki GOTO, Eisuke TSUDA, Shin'ichi MOCHIZUKI, Kazuki
YANO, Fumie KOBAYASHI, Nobuyuki SHIMA, Hisataka YASUDA,
Nobuaki NAKAGAWA, Tomonori MORINAGA, Masatsugu UEDA,
and Kanji HIGASHIO;**

the application consisting of:

- a. a specification containing:
 - (i). 86 pages of a description prior to the claims;
 - (ii). 4 pages of claims (31 claims);
 - (iii). 11 pages of drawings (Figures 1-15);
 - (iv). a one (1) page abstract;

- (v). 79 pages of a paper copy of the sequence listing;
3. a substitute Sequence Listing (81 pages);
 4. a substitute sequence listing in Computer Readable Form (CRF), on floppy diskette;
 5. a Statement Regarding Sequence Submission;
 6. a copy of the executed Combined Declaration and Power of Attorney for Patent Application filed in prior application serial no. 08/915,004;
 7. a copy of the executed Revocation of Prior Power of Attorney, Appointment of New Attorneys of Record and Change of Correspondence Address filed in prior application serial no. 10/232,858;
 8. an Appointment of Associate Attorneys;
 9. a Preliminary Amendment, including Appendix A;
 10. a clean version of the substitute specification (65 pages plus 1 page Abstract);
 11. a marked-up version of the substitute specification (70 pages plus 1 page Abstract);
 12. a Letter to PTO Draftsperson: Submission of Formal Drawings;
 13. twelve (12) pages of formal drawings for Figures 1A, 1B, 2, 3, 4A, 4B and 5-15; and
 14. two (2) return postcards.

This application is a continuation of U.S. Application No. 10/232,858 filed September 3, 2002, which is a continuation of U.S. Application No. 08/915,004, filed August 20, 1997, which is a continuation-in-part of international application PCT/JP96/00374, filed February 20, 1996, which claims priority to Japanese applications JP/054977, filed February 20, 1995 and JP/207508, filed July 21, 1995.

Submitted herewith is a sequence listing in Computer Readable Form (CRF), on floppy diskette.

The sequence listing in Computer Readable Form (CRF) contains one file called "SubSeq16991017.txt" which is 136,653 bytes in size (measured in MS-DOS) and was recorded on January 22, 2004.

ARNOLD & PORTER LLP

Commissioner for Patents
Atty. Docket: 16991.017
February 25, 2004
Page 3

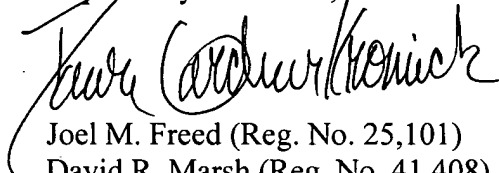
Please stamp one of the two attached postcards with the filing date of these documents and return it to our courier, and stamp the other prepaid postcard with the filing date and unofficial application number and return it as soon as possible.

Applicants request that the following fees be charged to Deposit Account No. 50-2387 referencing docket number 16991.017:

\$ <u>770.00</u>	application filing fee
\$ <u>86.00</u>	additional claims fee

In the event that extensions of time beyond those petitioned for herewith are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned. Applicants do not believe any fees, other than the above fees (\$856), are due in conjunction with this filing. However, if any additional fees under 37 C.F.R. §§ 1.16 or 1.17 are required in the present application, including any fees for extensions of time, then the Commissioner is hereby authorized to charge such fees to Arnold & Porter Deposit Account No. 50-2387 referencing matter number 16991.017. A duplicate copy of this letter is enclosed.

Respectfully submitted,



Joel M. Freed (Reg. No. 25,101)
David R. Marsh (Reg. No. 41,408)
Dawn Gardner Krosnick (Reg. No. 44,118)

Enclosures

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

GOTO *et al.*

Appln. No. To Be Assigned

Filed: Herewith

For: Novel Proteins and Methods for
Producing the Proteins

ATTN: Drawing Review Branch

Art Unit: To Be Assigned

Examiner: To Be Assigned

Confirmation No.: To Be Assigned

Atty. Docket: 16991.017

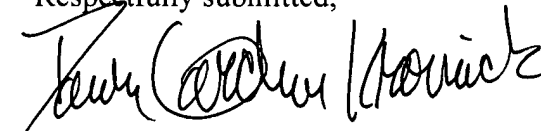
**Letter to PTO Draftsperson:
Submission of Formal Drawings**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith are formal drawing sheets with Figures 1A, 1B, 2, 3, 4A, 4B, and 5-15 corresponding to the informal drawings submitted with the above-captioned application. Acknowledgment of the receipt, approval, and entry of these formal drawings into this application is respectfully requested.

Respectfully submitted,



Joel M. Freed (Reg. No. 25,101)

David R. Marsh (Reg. No. 41,408)

Dawn Gardner Krosnick (Reg. No. 44,118)

Date: February 25, 2004

ARNOLD & PORTER LLP
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Washington, DC 20004-1206
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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

GOTO *et al.*

Appln. No.: To Be Assigned

Filed: Herewith

For: Novel Proteins and Methods for
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Art Unit: To Be Assigned

Examiner: To Be Assigned

Confirmation No.: To Be Assigned

Atty. Docket: 16991.017

Appointment of Associate Attorneys

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The undersigned attorney of record, named in the application papers filed under 37 C.F.R.

§ 1.53, hereby appoints:

practitioners at Arnold & Porter, Customer No. 28381

as associate registered attorneys and agents.

Respectfully submitted,



David R. Marsh (Reg. Attorney No. 41,408)

Date: February 25, 2004

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